

Office-Supreme Court, U.S.  
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JOHN F. DAVIS, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966

No. ~~15~~ 16

JERRY DOUGLAS MEMPA,

Petitioner,

vs.

B. J. RHAY, Superintendent,  
Washington State Penitentiary,

Respondent.

MOTION FOR LEAVE TO PROCEED  
FURTHER IN FORMA PAUPERIS

Petitioner, Jerry Douglas Mempa, who is now held in the Washington State Penitentiary, Walla Walla, Washington, asks leave to proceed further herein without prepayment of costs or fees or printing expenses, and to proceed in forma pauperis. The petitioner's Affidavit in support of this Petition is attached hereto.

*Donald A. Schmechel*  
Donald A. Schmechel

*Evan L. Schwab*  
Evan L. Schwab

Counsel for Petitioner  
1405, 1411 Fourth Avenue  
Seattle, Washington 98101

IN THE  
SUPREME COURT OF THE UNITED STATES  
/OCTOBER TERM, 1966

No. 424

JERRY DOUGLAS MEMPA,

Petitioner,

vs.

B. J. RHAY, Superintendent,  
Washington State Penitentiary,

Respondent.

STATE OF WASHINGTON )

COUNTY OF WALLA WALLA ) SS.

AFFIDAVIT IN SUPPORT OF  
MOTION FOR LEAVE TO PROCEED  
FURTHER IN FORMA PAUPERIS

I, JERRY DOUGLAS MEMPA, being first duly sworn, on oath depose and say, in support of my application for leave to proceed further without being required, to prepay costs or fees or to pay printing costs:

1. I am the petitioner in the above-entitled cause.
2. Because of my poverty I am unable to pay the costs of said cause.
3. I am unable to give security for the same.
4. I believe that I am entitled to the redress I seek in said cause.
5. The \$100.00 docket fee herein was advanced by the American Civil Liberties Union of Washington.
6. The nature of said cause is briefly stated as follows:

I was sentenced to the Washington State Penitentiary by the Superior Court for Spokane County, Washington, following



a hearing during which a deferred sentence previously imposed was revoked, and sentence was entered. Notwithstanding my indigency and the absence of a waiver of the right to counsel, I was not represented by counsel at the hearing when my probation status was revoked, the deferral of sentence was vacated, and sentence was imposed forthwith. This proceeding seeks review of the denial of a petition for habeas corpus which I filed with the Washington State Supreme Court on the ground that I was deprived of federal constitutional rights as a result of the denial of assistance of counsel during said hearing. This Court granted my petition for Writ of Certiorari on February 13, 1967.

Subscribed and sworn to before me this 17 day of February, 1967.

*Donald C. Parker*  
Notary Public in and for the State of  
Washington, residing at Walla Walla